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7
8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10
11 MARCIANO PLATA, et al.,

12 *Plaintiffs,*

13 v.

14 ARNOLD SCHWARZENEGGER, et al.,

15 *Defendants.*

Case No. C01-1351 TEH

**DECLARATION OF JOHN HAGAR IN
SUPPORT OF RECEIVER'S REPLY
MEMORANDUM IN SUPPORT OF HIS
SUPPLEMENTAL APPLICATION NO. 1
FOR ORDER WAIVING STATE
CONTRACTING STATUTES,
REGULATIONS AND PROCEDURES,
APPROVING RECEIVER'S
SUBSTITUTE PROCEDURE FOR
BIDDING AND AWARD OF
CONTRACTS AND APPROVING NUNC
PRO TUNC ACNL SUPERVISORY
NURSE TRAINING CONTRACT**

1 I, John Hagar, declare as follows:

- 2 1) I am currently the Special Master in *Madrid v. Tilton* and have been engaged as Chief of
3 Staff for Receiver Robert Sillen in the matter *Plata v. Schwarzenegger*. I make this reply
4 declaration in support of the Receiver's Supplemental Application No. 1 for an order
5 waiving of State Contracting Procedures and to approve the Receiver's proposed
6 alternative contracting procedures with respect to certain major projects that are
7 underway or are planned to commence shortly.
- 8 2) In my capacity as Chief of Staff for the Receiver, I have general operational oversight of
9 most of the ongoing activities of the receivership and regularly confer with the Receiver
10 and other staff members regarding those activities to ensure that the Receiver's goals and
11 directives are being implemented.
- 12 3) While the Receiver's Supplemental Application No. 1 was being prepared, the Receiver
13 issued a Request For Proposal ("RFP") for phase one of the clinical laboratory services
14 project in order to speed up the process and avoid unnecessary delay pending approval of
15 this Application. The Receiver has not entered into a contract for such services nor will
16 he before the Court has ruled on the Receiver's Supplemental Application.
- 17 4) This is precisely the same procedure the Receiver followed in connection with the
18 selection of a Program Manager related to the preliminary planning, programming and
19 prototype development for the 5000 Multi-Purpose Medical Bed Construction Project and
20 the San Quentin Medical Facility Construction Project described in his Master
21 Application for a waiver of state contracting procedures. (Master App. at 17:26-18:13
22 (5000 Multi-Purpose Medical Bed Construction Project) and 20:10-14 (San Quentin
23 Medical Facility Construction Project). For each of those projects, the Receiver issued
24 RFPs before the Master Application was approved.

25 //

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct.

3 Dated: July 17, 2007

/s/
John Hagar

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7 I hereby attest that I have on file all holograph
8 signatures for any signatures indicated by a
9 "conformed" signature (/s/) within this efiled
document.

10 _____
/s/
11 Martin H. Dodd
12 Attorneys for Receiver Robert Sillen
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CERTIFICATE OF SERVICE

The undersigned hereby certifies as follows:

I am an employee of the law firm of Futterman & Dupree LLP, 160 Sansome Street, 17th Floor, San Francisco, CA 94104. I am over the age of 18 and not a party to the within action.

I am readily familiar with the business practice of Futterman & Dupree, LLP for the collection and processing of correspondence.

On July 17, 2007 I served a copy of the following document(s):

**DECLARATION OF JOHN HAGAR IN SUPPORT OF RECEIVER'S
REPLY MEMORANDUM IN SUPPORT OF HIS SUPPLEMENTAL
APPLICATION NO. 1 FOR ORDER WAIVING STATE CONTRACTING
STATUTES, REGULATIONS AND PROCEDURES, APPROVING
RECEIVER'S SUBSTITUTE PROCEDURE FOR BIDDING AND AWARD
OF CONTRACTS AND APPROVING NUNC PRO TUNC ACNL
SUPERVISORY NURSE TRAINING CONTRACT**

by placing true copies thereof enclosed in sealed envelopes, for collection and service pursuant to the ordinary business practice of this office in the manner and/or manners described below to each of the parties herein and addressed as follows:

— BY HAND DELIVERY: I caused such envelope(s) to be served by hand to the address(es) designated below.

X BY MAIL: I caused such envelope(s) to be deposited in the mail at my business address, addressed to the addressee(s) designated. I am readily familiar with Futterman & Dupree's practice for collection and processing of correspondence and pleadings for mailing. It is deposited with the United States Postal Service on that same day in the ordinary course of business.

— BY OVERNIGHT COURIER SERVICE: I caused such envelope(s) to be delivered via overnight courier service to the addressee(s) designated.

— BY FACSIMILE: I caused said document(s) to be transmitted to the telephone number(s) of the addressee(s) designated.

Andrea Lynn Hoch
Legal Affairs Secretary
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Robin Dezember
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5 Dated: June 17, 2007


Lori Dotson